



Department of Planning, Building and Code Enforcement

STEPHEN M. HAASE, AICP, DIRECTOR

**PUBLIC NOTICE
INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION
CITY OF SAN JOSÉ, CALIFORNIA**

Project File Number, Description, and Location

PDC 03-002. Planned Development Rezoning from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District and subsequent permits to allow the construction of up to 15 attached, affordable residential units on approximately 0.45 acres, located on the easterly side of Monterey Highway, approximately 950 feet northerly of Blossom Hill Road.

California State Law requires the City of San José to conduct environmental review for all pending projects that require a public hearing. Environmental review examines the nature and extent of any potentially significant adverse effects on the environment that could occur if a project is approved and implemented. The Director of Planning, Building & Code Enforcement would require the preparation of an Environmental Impact Report if the review concluded that the proposed project could have a significant unavoidable effect on the environment. The California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed toxic sites are present. The project location does contain a listed toxic site.

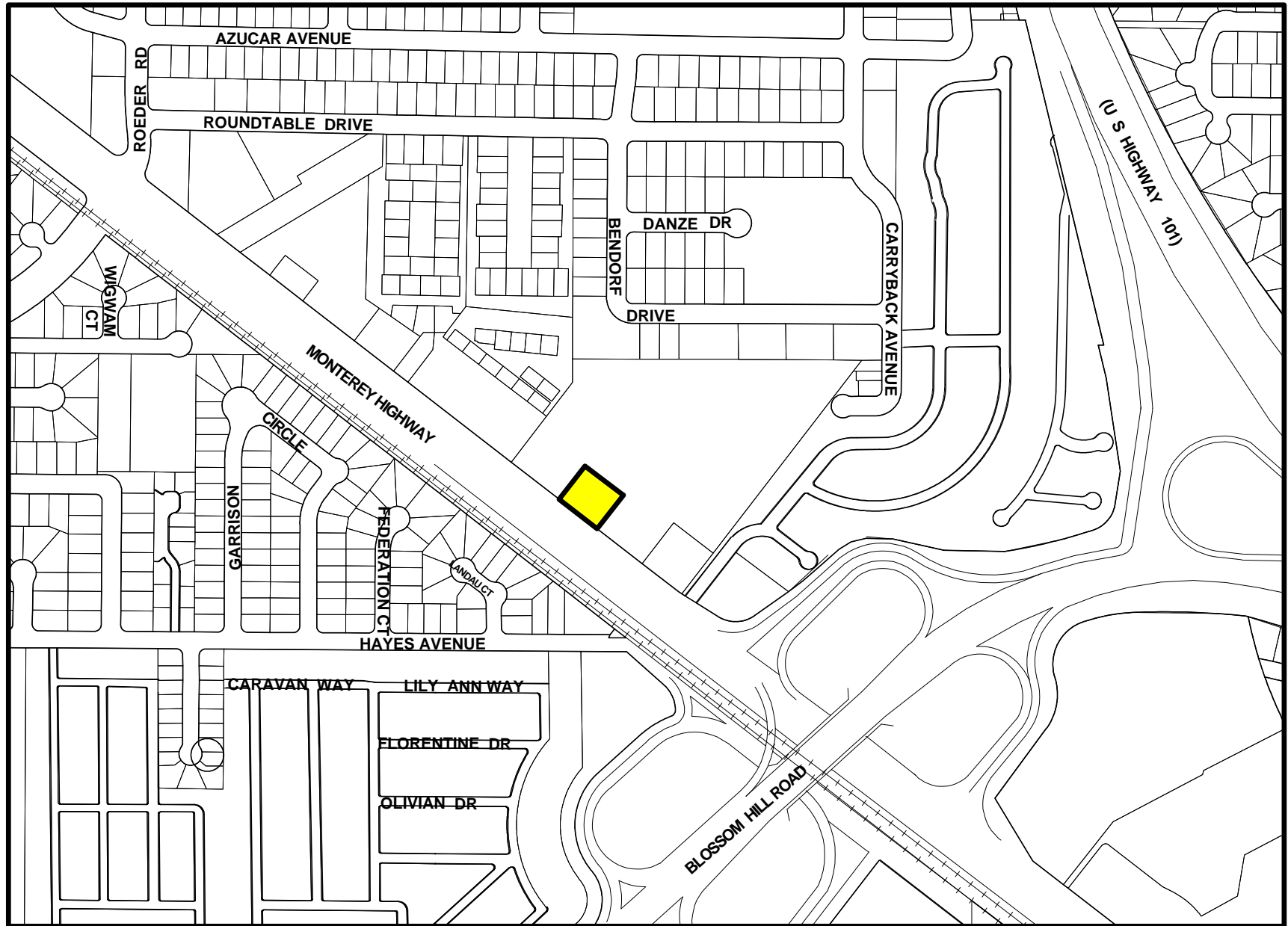
Based on an initial study, the Director has concluded that the project described above will not have a significant effect on the environment. We have sent this notice to all owners and occupants of property within 500 feet of the proposed project to inform them of the Director's intent to adopt a Mitigated Negative Declaration for the proposed project on **April 16, 2003**, and to provide an opportunity for public comments on the draft Mitigated Negative Declaration. The public review period for this draft Mitigated Negative Declaration begins on **March 18, 2003** and ends on **April 16, 2003**.

A public hearing on the project described above is tentatively scheduled for **April 23, 2003 at 6:00 p.m.** in the City of San Jose Council Chambers, 801 N. First Street, San Jose, CA 95110. The draft Mitigated Negative Declaration, initial study, and reference documents are available for review under the above file number from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San Jose Department of Planning, Building & Code Enforcement, City Hall, 801 N. First Street, Room 400, San Jose, CA 95110. The documents are also available at the Dr. Martin Luther King, Jr. Main Library, 180 W. San Carlos Street, and the Seventrees Branch Library, 3597 Cas Drive, San José, CA 95110 San Jose, and online at www.ci.san-jose.ca.us/planning/sjplan/eir/mnd2003.htm Adoption of a Negative Declaration does not constitute approval of the proposed project. The decision to approve or deny the project described above will be made separately as required by City Ordinance. For additional information, please call **Jeff Roche** at (408) 277-4576.

Stephen M. Haase, AICP
Director, Planning, Building and Code Enforcement

Circulated on: March 17, 2003

Deputy



Scale: 1"=400'



File No:PDC03-002

District: 02

Quad No: 130

**DRAFT
MITIGATED NEGATIVE DECLARATION**

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

NAME OF PROJECT: Eden Palms II

PROJECT FILE NUMBER: PDC 03-002

PROJECT DESCRIPTION: Planned Development Rezoning from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District and subsequent permits to allow the construction of up to 15 attached, affordable residential units on approximately 0.45 acres, located on the easterly side of Monterey Highway, approximately 950 feet northerly of Blossom Hill Road.

PROJECT LOCATION & ASSESSORS PARCEL NO.: Easterly side of Monterey Highway, approximately 950 feet northerly of Blossom Hill Road; APN: 684-39-004

COUNCIL DISTRICT: 2

NAME OF APPLICANT: Eden Housing, Inc.

MAILING ADDRESS AND PHONE NO. OF APPLICANT CONTACT PERSON: Attn: Christine Benguiat, 409 Jackson Street, Hayward, CA 94544

FINDING

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this draft Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level.

MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL

1. The BAAQMD has prepared a list of feasible construction dust control measures that can reduce construction impacts to a level that is less than significant. The following construction practices would be implemented during all phases of construction on the project site:

- A. Dust-proof chutes would be used for loading construction debris onto trucks.

- B. Watering would be used to control dust generation during demolition of structures and break-up of pavement.
 - C. Cover all trucks hauling demolition debris from the site.
 - D. Water all active construction areas at least twice daily.
 - E. Watering or covering of stockpiles of debris, soil, sand or other materials that can be blown by the wind.
 - F. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
 - G. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
 - H. Sweep daily (preferably with water sweepers) all paved access road, parking areas and staging areas at construction sites.
 - I. Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.
 - J. Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
 - K. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
 - L. Replant vegetation in disturbed areas as quickly as possible.
2. Conformance with the following regulatory programs would reduce health risks associated with lead-based paint and ACMs to a less than significant level:
- A. Requirements in the California Code of Regulations will be followed during demolition activities, including employee training, employee air monitoring and dust control. Any debris or soil containing lead-based paint or coatings will be disposed of at landfills that meet acceptance criteria for the waste being disposed.
 - B. All potentially friable ACMs shall be removed in accordance with National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines prior to building demolition or renovation that may disturb the materials. All demolition activities will be undertaken in accordance with OSHA standards to protect workers from exposure to asbestos. Specific measures could include air monitoring during demolition and the use of vacuum extraction for asbestos containing materials.
3. The project includes the following measures to minimize potential stormwater runoff and water quality impacts during construction and operations of the project.
- A. The project would comply with the City of San Jose Grading Ordinance, including erosion-and dust-control during site preparation, and with the City of San Jose Zoning Ordinance requirement for keeping adjacent streets free of dirt and mud during construction.
 - B. The project shall include Best Management Practices (BMP) for reducing contamination in storm water runoff both during construction and as permanent features of the project. These features would include, for example, minimizing the amount of land disturbance and impervious surface, regular maintenance and sweeping of parking lots and driveways, installation of inlet filters or similar controls in storm water catch basins, and stenciling on-site catch basins to discourage illegal dumping

4. The following measures are included in the project to ensure that interior noise levels do not exceed an Ldn of 45 dBA.
 - A. Areas of the site subject to 70 dBA Ldn or greater (refer to Figure 7), which includes all exterior sides of the units closest to Monterey Road, shall include a glazing system that achieves a Sound Transmission Class (STC) rating of 31, such as ordinary 0.25-inch float glass. The doors of these units shall be solid core wood or rated at least STC 31 and sound gasketed. Normal exterior wall and roof construction is acceptable.
 - B. Areas of the site subject to noise levels between 65 and 70 dBA Ldn, which includes the middle units and the northwest facade of the northwest unit, shall include a glazing system which achieves an STC 28 rating. The doors of these units shall be solid-core wood or rated at least STC 28 and sound gasketed.
 - C. In order to satisfy the California Building Code requirements, habitable rooms behind facades with exterior noise exposure of greater than 60 dBA Ldn, which includes all units, shall have a controlled source of fresh air other than open windows. Some form of mechanical ventilation system or a sound attenuating "zee duct" shall be provided for each such unit, which will include the entire southwest, southeast and northwest building facades.
 - D. Materials and workmanship shall be of good quality to achieve the intended acoustical objectives.
4. The following measure is included in the project to ensure that exterior noise levels in outdoor use areas do not exceed an Ldn of 60 dBA.
 - A. The proposed outdoor patio area will be shielded from Monterey Road traffic noise by the proposed building.
 - B. Any outdoor living areas facing Monterey Road shall be protected from Monterey Road traffic noise with a five (5) foot high wall or fence which provides a complete line-of-sight barrier to Monterey Road, has no gaps, and has a density of at least four (4) pounds per square foot.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **April 16, 2002**, any person may:

- (1) Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or
- (2) Submit written comments regarding the information, analysis, and mitigation measures in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND; or
- (3) File a formal written protest of the determination that the project would not have a significant effect on the environment. This formal protest must be filed in the Department of Planning, Building and Code Enforcement, 801 North First Street, San Jose, Room 400 and include a \$50 filing fee. The written protest should make a "fair argument" based on substantial evidence that the project will have one or more significant effects on the environment. If a valid written protest is filed with the Director of Planning, Building & Code Enforcement within the noticed public review period, the Director may (1) adopt the Mitigated Negative Declaration and set a noticed public hearing on the protest before the

Planning Commission, (2) require the project applicant to prepare an environmental impact report and refund the filing fee to the protestant, or (3) require the Draft MND to be revised and undergo additional noticed public review, and refund the filing fee to the protestant.

Stephen M. Haase, AICP
Director, Planning, Building and Code Enforcement

Circulated on: March 17, 2003

Deputy

Adopted on: _____

Deputy

MND/RE/9/24/01